

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

To: UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS
ATTN: NANCY JOHNSON, SENIOR PETITIONS ATTORNEY
Fax No.: 703-872-9306

From: Marlana K. Titus
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Date: June 21, 2004

TRANSMISSION:

Documents transmitted: (1) June 21, 2004 Submission of Requested Postcard Receipt, and Petition for Acceptance of Certain Pates of Application. . . (2) Copy of April 15, 2004 Petition for Acceptance of Certain Pates of Application. . . (3) Copy of April 5, 2001 Notice to File Missing Parts, (4) Copy of April 5, 2004 transmittal letter, (5) copy of pages 29-35 of specification, (6) Copy of Certificate of Express Mailing dated December 11, 2003; and (7) copy of both sides of postcard receipt date-stamped December 11, 2003.

For application: Serial no.: 10/733,691
U.S. Patent application of Nikolich et al.
Title: Immunogenic Compositions Including Rough Phenotype
Brucella Host Strains and Complementation DNA Fragments
Filed: December 11, 2003
Attorney docket no.: Army176

Number of pages (including this page): 18

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the United States
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Name: Marlana K. Titus
Date: June 21, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 22 2004

In Re Application of

NIKOLICH et al.

Group Art Unit: 1653

Application No. 10/733,691

Examiner: not known

Priority claimed from: U.S. Provisional applications 60/433,164 (filed December 12, 2002), and 60/503,016 (filed September 15, 2003)

Filed: December 11, 2003

For: Immunogenic Compositions Including Rough Phenotype Brucella Host Strains
and Complementation DNA Fragments

* * * * *

June 21, 2004

SUBMISSION OF REQUESTED POSTCARD RECEIPT,
AND PETITION FOR ACCEPTANCE OF CERTAIN PAGES
OF APPLICATION SAID TO BE OMITTED, AND PETITION FOR
RETENTION OF DECEMBER 11, 2003 FILING DATE FOR THESE PAGES

Hon. Commissioner of Patents
And Trademarks

P.O. 1450

Alexandria, VA 22313

ATTENTION: NANCY JOHNSON, SENIOR PETITIONS ATTORNEY

Madam:

In connection with the above-identified application, and responsive to the **Decision on Petition** mailed June 1, 2004, we supply here the requested copy of both sides of our return postcard.

In brief summary, on April 15, 2004 we mailed a Petition requesting that pages 29-35 of the specification be accepted and accorded a filing date of December 11, 2003 along with the rest of the specification. The Notice to File Missing Parts dated April 5, 2004 stated that pages 29-35 appear to have been omitted from the application as filed. The Notice further stated that if applicant contends that these pages were in fact deposited in the USPTO with the nonprovisional application papers, a copy of the Notice and a

U.S. application of NIKOLICH et al.

petition (and \$130.00 petition fee) with evidence of such deposit must be filed within two months of the date of the Notice. With our April 15, 2004 Petition, we submitted (1) a copy of the April 5, 2004 Notice, (2) a transmittal letter requesting that the petition fee of \$130 be charged to applicants' deposit account, (3) evidence that pages 29-35 were part of the original deposit (copy of date-stamped postcard receipt and copy of certificate of express mailing), and (4) a copy of pages 29-35 of the specification so that the USPTO's copy of the application is complete. Both the copy of the date-stamped postcard receipt and the copy of certificate of express mailing indicate that the December 11, 2003 filing included a U.S. utility application having 58 pages. Pages 29-35 were included with the 58 pages. **A copy of the entire April 15, 2004 Petition and submitted papers is attached here for your convenience—except that the copy of the postcard receipt now includes copies of both front and back sides.**

The June 1, 2004 Decision on Petition requested submission of the front side of the postcard, and we include that here.

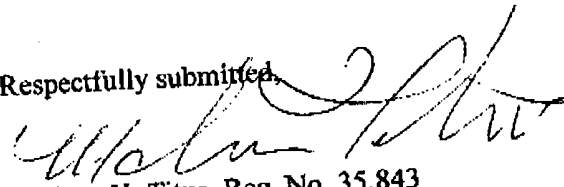
We therefore petition again that pages 29-35 be included in the specification as originally-filed on December 11, 2003, because these pages were part of that submission as evidenced by the attached the date-stamped postcard receipt and the copy of certificate of express mailing.

Regarding the other items noted as missing in the Notice to File Missing Parts (i.e., signed declaration, surcharge for filing late declaration, replacement drawings, and corrected sequence listing), we have provided all of these things separately from this submission, by mailing on May 5, 2004.

U.S. application of NIKOLICH et al.

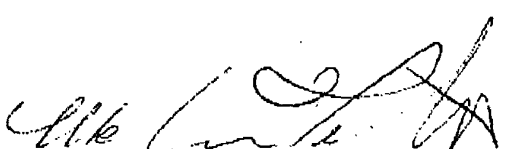
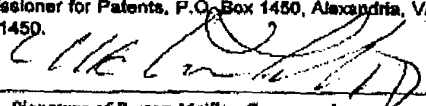
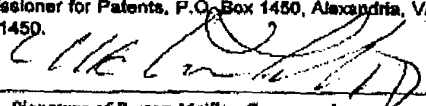
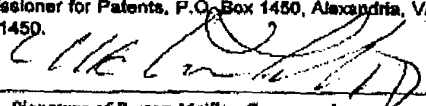
If the petitions officer has any questions, please contact applicants' representative
Marlana Titus at (301) 977-7227.

Respectfully submitted,



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TRANSMITTAL LETTER (General - Patent Pending)			Docket No. Army176			
In Re Application Of: Nikolich et al.						
Serial No. 10/733,691	Filing Date December 11, 2003	Examiner not known	Group Art Unit 1653			
Title: Immunogenic Compositions Including Rough Phenotype Brucella Host Strains and Complementation DNA Fragments						
<u>TO THE COMMISSIONER FOR PATENTS:</u>						
<p>Transmitted herewith is:</p> <p>(1) Petition for Acceptance of Certain pages of Application Said to be Omitted, and Petition for Retention of December 11, 2003 Filing Date for These Pages; (2) Copy of April 5, 2004 Notice to File Missing Parts; (3) Copy of date-stamped postcard receipt of December 11, 2003 submission of utility application and accompanying papers; (4) copy of certificate of express mailing of December 11, 2003 submission of utility application and accompanying papers; (5) copy of pages 29-35 in utility application filed December 11, 2003; and (6) postcard receipt</p> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 21-0380 as described below.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge the amount of \$130.00</p> <p style="margin-left: 40px;"><input type="checkbox"/> Credit any overpayment.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge any additional fee required.</p>						
 Signature		Dated: April 15, 2004				
Marlana Titus, Reg. No. 35,843 for Elizabeth Arwine, Reg. No. 45,867 Attorney for applicant U.S. Medical Research and Materiel Command 504 Scott Street Fort Detrick, MD 21702-5012 (301) 977-7227		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> I certify that this document and fee is being deposited on April 15, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. </td> </tr> <tr> <td style="padding: 5px;">  Signature of Person Mailing Correspondence </td> </tr> <tr> <td style="padding: 5px;"> Marlana Titus Typed or Printed Name of Person Mailing Correspondence </td> </tr> </table>		I certify that this document and fee is being deposited on April 15, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	 Signature of Person Mailing Correspondence	Marlana Titus Typed or Printed Name of Person Mailing Correspondence
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 Signature of Person Mailing Correspondence						
Marlana Titus Typed or Printed Name of Person Mailing Correspondence						
cc:						